

INITIALS _____

LUNENBURG PLANNING BOARD TOWN OF LUNENBURG

Joanna L. Bilotta-Simeone, Chair
Nathan J. Lockwood, Vice-Chair
Damon McQuaid, Clk.
Emerick R. Bakaysa, Mbr.
Matthew Allison, Mbr.
Marion M. Benson, Planning Director



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Minutes
April 28, 2014

Meeting Posted: Yes

Place: Ritter Memorial Building, 960 Massachusetts Avenue, Lunenburg, MA

Time: 6:30 PM

Present: Joanna L. Bilotta-Simeone, Nathan J. Lockwood, Damon McQuaid, Emerick R. Bakaysa, Matthew Allison, Chantell Fleck- MRPC

Absent: Marion M. Benson

PUBLIC COMMENT: Greg Bittner, 129 Pleasant Street- read letter into record regarding solar array on Pleasant Street. Letter on file in the Planning Office.

Speed/Traffic – 305 Leominster Shirley Road- Police Chief James Marino and Jamie Rheault, Whitman & Bingham Associates on hand for discussion. Ch. Marino noted there are only two speed-posted roads in Town; Summer Street and Electric Avenue. The posted speed on a road may not necessarily be the desired speed due to the formula used. Ch. Marino did a spot check on Leominster Shirley Road during the morning, lunch, and dinner commute. Top speed was 36 mph. Due to density of businesses, Ch. Marino opined that it is a 30 mph zone. Ch. Marino would like to discuss speed signage with the DPW Director. As it is a public way, it would be the Town's responsibility and not the property owner at 305 Leominster Shirley Road. M. Allison questioned if a speed is posted could it be greater than the Board would like? Ch. Marino responded- possibly. It was noted that MRPC provides annual traffic counts to communities based on requests. Paula Bertram (Board of Selectmen), noted as the Montachusett Metropolitan Planning Organization (MPO) representative, she could look into that for the Town. J. Bilotta-Simeone also requested the same of C. Fleck. N. Lockwood noted the engineer review for the project analyzed the sight distance for 25 mph and the applicant did not meet that sight distance. Board encouraged Ch. Marino to place advisory yellow (not state enforceable) signage and move forward with requesting state enforceable white signage. M. Allison requested clarification from J. Rheault as to the sight distances – are they safe. J. Rheault noted it depends on the speed. Current sight distances are based only on passenger vehicles. He opined that the sight distance should be 400-500 feet instead of the current 235 feet. He also opined that a sight distance could make a commercial enterprise not viable. He confirmed speed of 30 mph with Ch. Marino and based his calculations on that speed using the American Association of State Highway and Transportation Officials (AASHTO) regulations. He will submit a report to the Planning Office. Carl Luck, 50 Sunset Lane- inquired as to Town liability due to sight distance. J. Rheault noted that stopping sight distance, e.g., leaving the site, going into the intersection and stalling, what distance is required for the oncoming traffic to halt prior to hitting that vehicle – project exceeds those distances. The site does not meet the intersection stop distance, e.g., left hand turn out, right hand turn out, not deficient from the west, exceeds those distances; deficient from the east (coming from the direction of Keating).

265 Pleasant Street Solar- J. Bilotta-Simeone gave brief background of the site changing developer and ownership. Board approval from 2012 notes all utility wiring is to be underground. The current property owners determined that to be referencing the solar utilities only and not Unitil. The solar has to be "on the grid" by June 30, 2014 or start from scratch. This has both legal and financial ramifications for the Town. The owner is requesting, as a temporary measure, to place the utility poles in order to meet the June 30th deadline and then if necessary, come to the Board with a request for modification. The owner will work with abutters as to pole location. Unitil has noted it takes five to six months to order and install the underground wiring. David Milner, NuGen Capital Management (entity that owns 265 Solar) agreed that the pole was erected in wrong location. NuGen had the understanding that all they owned had to be underground and that Unitil would do what they were required to do. NuGen would like to place the poles in the trees and then work with the abutters and Unitil to study what it possible in Unitil's grid and network for options. John Bonazoli, Distribution Engineering Manager, Unitil Corp., referred to Unitil letter dated April 17, 2014. He noted that Unitil has no financial gain or ownership with this project. There is a state-wide process for all public utilities with generators

interconnecting onto their system in order to ensure the continued reliability of their system. Unitil concluded its analysis of this site when the previous applicant (EPG) was coming before the Planning Board. Unitil informed EPG what would be required. Unitil was not aware of the Board's requirement for underground wiring. He opined that EPG probably did not inform the Board of Unitil's requirements. At this time, to make the project feasible, Unitil has to move forward with its requirements; otherwise Unitil will have to look at the design from scratch. To order, receive, and install the underground equipment will take four to six months. Unitil would not be able to meet NuGen's June deadline with the state. E. Bakaysa inquired if equipment exists that will meet the Board's requirement. Unitil noted that the equipment they order is very specific; some used pad-mounted equipment is in stock, but not all. Some of the equipment will have to be overhead. It is owned and operated by Unitil. Unitil noted the four pieces of equipment required at this site. Equipment to monitor the line (not available pad-mount), a breaker if the facility has to be tripped off (Unitil does not use pad-mount), metering and end switch (pad-mount available but will take months to order). Unitil anticipates two poles will be required. If that is not possible, NuGen will have to come before the Board with a request for modification. E. Bakaysa requested a visual of what needs to be done at this point with poles for NuGen to meet the June deadline (schematic available at meeting). He would also like to see a visual of an end-state with pad-mounted equipment. From the June to December timeframe, Unitil will research options for NuGen to present to the Board by its December 29, 2014 meeting; earlier if possible. Once the Board approves an option, Unitil will then proceed to order the necessary equipment. The Board will issue a letter to Nugen stating that "under Ch. 40A, Section 3, solar is an exempted use as well as utilities and that the Planning Board is not trying to unreasonably prohibit the solar installation and that within six months NuGen will return to the Board to readdress the situation by looking at potential modification". Motion, N. Lockwood to give temporary permission to use the four pole design as discussed, with review of new engineering design and plan in six months, by December 29, 2014, Second, E. Bakaysa, all aye.

ANR Endorsements:

115 Fairview Road- Applicant will be meeting with the Board of Health next week for an enforceable agreement to tie into Town sewerage prior to any occupancy permit being issued for the new house. J Bilotta-Simeone noted DPW Director's correspondence in support of the reconfiguration. Noted Sewer Commission's memo stating that proposed lot as laid out does not have current access to public sewer as the buildable area per zoning requirements would not be within the Sewer Service Area (SSA). (Complete memo on file in Planning Office.) Applicant noted he does have access to sewer. The SSA line bisects his property. The dwelling is just outside the SSA. If a percolation (perc) test fails he will go to the Sewer Commission and then town meeting. Carl Luck, Chair, Sewer Commission, opined that in order for the Board to approve a lot subdivision the applicant would have to prove that the lot does perc prior to Board endorsement. C. Fleck disagreed and noted that the ANR Handbook stated "a Planning Board cannot deny an ANR endorsement in those instances where other permitting approvals may be necessary before practical access exists from the way to the building site. The necessity of obtaining wetlands approval under G.L. 131, Section 40, a Title 5 permit, or insuring the availability of water pursuant to G.L. 40, Section 54 are not relevant considerations when reviewing an ANR Plan." With ANR endorsement you are looking for frontage and vital access. Other permitting procedures do not impact a Planning Board endorsing an ANR. Whether a lot is buildable falls under other permitting authorities in Town. Board of Health comments noted compliance with Title 5 required for division. Applicant noted that Board of Health Chair informed him a letter would be provided to the Planning Office this date (no letter was received in the Planning Office.) Motion, N. Lockwood, to endorse ANR Plan, Second, E. Bakaysa. Opened for discussion. P. Bertram, 312 Townsend Harbor Road- noted there is an extension of roadway proposed because of frontage. Does this extend beyond the roadway of the plan that is being subdivided? Ten feet into the existing property. C. Luck inquired why wouldn't the Board wait two weeks for the septic ruling. C. Fleck noted that the Board has a 21-day deadline from plan submittal to take action. Vote to endorse, all aye.

317 Sunny Hill Road- Motion, D. McQuaid, to endorse ANR Plan, Second, E. Bakaysa, all aye.

MINUTES APPROVAL: All minutes signed.

Motion, E. Bakaysa, to approve 4-14-14, Second, D. McQuaid.

Motion, E. Bakaysa, to approve 4-14-14 Public Hearing, Second, D. McQuaid.

COMMITTEE REPORTS:

MJTC, M. Allison- No report.

MRPC, J. Bilotta-Simeone- Meeting to be held April 29, 2014.

School Building Committee, N. Lockwood- No update.

Building Reuse Committee, D. McQuaid- No update.

Agricultural Commission, M. Allison- Bylaw placed on Town Warrant. Working on draft regulations for Town Farmers' Market. M. Allison requested the Board take a vote to support the bylaw and recommend approval at Town Meeting. Board will review the Article and take a vote at their May 3, 2014 pre- Town Meeting Board meeting. As the Right to Farm Bylaw is a

General Bylaw the Board is concerned that it may conflict with portions of the Zoning Bylaw. M. Allison noted that the presentation to the Board of Selectmen stated this would not conflict with any existing regulations.

NEW BUSINESS/DEVELOPMENT STATUS REPORTS:

MS/HS Project- The developer is hoping to make an informal presentation to the Board at the May 12, 2014 Board meeting.

Highfield Village- In house tech meeting with Town departments was held April 23, 2014. Hearing continuation to be held May 12, 2014.

Force Corporation, 305 Leominster Shirley Road- No report.

Definitive Subdivision, 50 Elmwood Road- No report.

Whites Woods- No report.

Emerald Place at Lake Whalom- No construction currently taking place. Binder coat on Great Pond Road failed during the winter months. Will be replaced in the coming months. It was noted that the Water Department is running into problems accessing the meters inside the buildings. Discussion ensued as to an informal meeting with the Project Manager to discuss a solution. Board consensus was that this is under the jurisdiction of the Water Department; not the Planning Board.

651 Chase Road Solar- It was noted that underground wiring of utilities is not a requirement for this site.

265 Pleasant Street Solar- See 265 Pleasant Street Solar above.

White Tail Crossing- Article on Warrant. DPW Director had noted there were still items that needed resolution, but the developer was currently working on resolution. Release Deed forwarded to Town Manager. P. Bertram noted that the Board will have to make a recommendation at Town Meeting whether or not to accept the road.

Annual Town Meeting- May 3, 2014- Noted.

ACTION FILE:

RMD Bylaw- Motion, N. Lockwood, to recommend adoption of the medical marijuana bylaw at Town Meeting, Second, M. Allison, all aye. It was noted that as a result of the presentation to the Board of Selectmen, there will be a minor administrative change made on Town meeting floor to Section 4.16.10., Documentation.

250 Whalom Road, Lunenburg Village- General discussion of current status with Zoning Board of Appeals.

Master Plan- The Town's Housing Production Plan expired in 2011. MRPC will work on a Housing Element for the Master Plan and a new Housing Production Plan.

Data Information- Noted letter to DPW Director from resident regarding 71 Main Street.

MEETING SCHEDULE:

May 3, 2014, 8:15 AM, High School Cafeteria

May 12, 2014, 6:30 PM, Town Hall, Highfield Village Hearing followed by Board meeting

May 27, 2014 6:30 PM, Ritter Memorial Building

BOARD COMMENT:

M. Allison would like the Board's review of plans to include the stipulation that any plan the Board reviews meet the minimum safe distance required by AASHTO. D. McQuaid responded that comes before the reviewing engineering on a case by case basis. It was noted that these are issues that would be raised by individual departments during the in-house tech meetings.

D. McQuaid noted that the Village District Bylaw needs to be a priority for Board discussion in order for the Building Reuse Committee to move forward with recommendations to the Town for building use.

P. Bertram noted Town is currently at 25% design for the Summer Street Corridor. Funds not currently available for design completion.

Motion to adjourn, E. Bakaysa, Second, D. McQuaid, adjourned 10:15 PM.

Documents used at meeting:

Letter dated 4-28-14, Resident Gregory Bittner

Minutes 4-14-14

Minutes 4-14-14 Public Hearing

115 Fairview Road ANR

317 Sunny Hill Road ANR

Unitil Letter to Town Manager dated April 17, 2014

Emerald Place at Lake Whalom Update

Registered Marijuana Dispensary Bylaw Town Meeting Handout

White Tail Crossing Release Deed